

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RONNY DERRICK and ANGIE DERRICK,

Plaintiffs,

v.

No. 17-cv-1245 RB/SMV

**STANDARD NUTRITION COMPANY,
JOHN DOES 1–5, and XYZ CORPORATE
OR BUSINESS ENTITIES 1–5,**

Defendants,

and

STANDARD NUTRITION COMPANY,

Counterclaimant,

v.

RONNY DERRICK and ANGIE DERRICK,

Counter-defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT’S MOTION TO COMPEL DISCOVERY**

THIS MATTER is before the Court on Defendant Standard Nutrition Company’s (“Defendant’s”) Motion to Compel Disclosures and Discovery Responses [Doc. 29], filed on May 11, 2018. Plaintiffs responded on May 21, 2018. [Doc. 31]. Defendant replied on May 29, 2018. [Doc. 34]. At the Court’s order, Defendant filed a status report on June 15, 2018, apprising the Court that the parties had not resolved any of the disputes raised in the motion. The Court heard argument from the parties at a hearing on the motion on June 18, 2018. The Court has considered the briefing, the relevant portions of the record, the parties’ oral argument

at the hearing, and the relevant law. Being otherwise fully advised in the premises and for the reasons stated on the record at the June 18, 2018 oral argument,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Compel Disclosures and Discovery Responses [Doc. 29] is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. The motion is DENIED as moot as to Interrogatory 3. Plaintiffs must supplement their answer, as agreed to at the June 18, 2018 oral argument, no later than **July 9, 2018**.
2. The motion is DENIED as moot as to Request for Production 4. Plaintiffs must produce the curricula vitae of Dr. Box and Mr. Ellis, as agreed to at the June 18, 2018 oral argument, no later than **July 9, 2018**.
3. The motion is GRANTED IN PART AND DENIED IN PART as to Request for Production 5. It is granted insofar as Defendant requests diaries, notes, journals, calendars, and social media posts relating to the injury and death of Plaintiffs' horses as described in the Complaint. Plaintiffs must supplement their response no later than **July 9, 2018**. The motion is denied in all other respects as to Request for Production 5.
4. The motion is DENIED as moot as to Request for Production 10.
5. The motion is DENIED as moot as to Request for Production 11. No later than **July 9, 2018**, Plaintiffs must supplement their response by producing all outstanding responsive documents or, if no such documents exist, stating clearly that Plaintiffs have produced all responsive documents that are in their possession or control.
6. The motion is DENIED as moot as to Request for Production 12. No later than **July 9, 2018**, Plaintiffs must supplement their response by producing all outstanding responsive documents or, if no such documents exist, stating clearly that Plaintiffs have produced all responsive documents that are in their possession or control.
7. The motion is DENIED as moot as to Request for Production 14. No later than **July 9, 2018**, Plaintiffs must supplement their response by producing all outstanding responsive documents or, if no such documents exist, stating clearly that Plaintiffs have produced all responsive documents that are in their possession or control.
8. The motion is GRANTED as to Request for Production 15. Plaintiffs must supplement their response no later than **July 9, 2018**.

9. The motion is GRANTED as to Request for Production 29. Plaintiffs must place in the mail the signed and notarized releases no later than **June 27, 2018**.

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 37(a)(5)(C), no expenses will be awarded.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge